

EXHIBIT A

Christopher S. Marchese (SBN 170239), marchese@fr.com
FISH & RICHARDSON P.C.
633 West Fifth Street, 26th Floor
Los Angeles, CA 90071
Tel: (213) 533-4240, Fax: (858) 678-5099

Frank Scherkenbach (SBN 142549), scherkenbach@fr.com
Kurt L. Glitzenstein (Admitted *Pro Hac Vice*), glitzenstein@fr.com
FISH & RICHARDSON P.C.
One Marina Park Drive
Boston, MA 02210-1878
Tel: (617) 542-5070, Fax: (617) 542-8906

Olga I. May (SBN 232012), omay@fr.com
FISH & RICHARDSON P.C.
12390 El Camino Real
San Diego, CA 92130
Tel: (858) 678-4745, Fax: (858) 678-5099

[Additional Counsel listed on last page.]

Attorneys for Plaintiffs, CARL ZEISS AG and ASML NETHERLANDS B.V.

IN THE UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

CARL ZEISS AG and ASML
NETHERLANDS B.V.,

Plaintiffs,

v.

NIKON CORPORATION, SENDAI
NIKON CORPORATION, and NIKON
INC.,

Defendants.

Case No. 2:17-cv-03221-RGK (MRWx)

**PLAINTIFFS CARL ZEISS AG AND
ASML NETHERLANDS B.V.'S
RESPONSES AND OBJECTIONS TO
DEFENDANTS' SECOND SET OF
INTERROGATORIES
[SET NO. 2, NOS. 5-10]**

- To the extent it seeks information protected by the attorney-client privilege, the work product doctrine, common-interest privilege, or any other applicable privilege or immunity.
- To the extent it calls for information not within Plaintiffs' possession, custody, or control.
- It is overly broad, unduly burdensome, and seeking disclosure of information not relevant to any claim or defense of any party, and the burden outweighs its likely benefit.

Subject to and without waiving Plaintiffs' specific objections to this Interrogatory, General Objections, and Reservations, Plaintiffs respond as follows:

The Asserted Patents are entitled to priority dates no later than:

- U.S. Patent No. 6,972,792 (the '792 patent) – August 7, 1998, based on the Certificate of Correction issued on December 1, 2015;
- U.S. Patent No. 7,209,167 (the '167 patent) – January 15, 2003, based on the filing date of the application which issued as the '167 patent;
- U.S. Patent No. 8,149,312 (the '312 patent) – January 31, 2005, based on the foreign application priority date of Korean patent application 10-2005-0008654; and
- U.S. Patent No. 8,625,017 (the '017 patent) – January 31, 2005, based on the foreign application priority date of Korean patent application 10-2005-0008654.

Plaintiffs' investigation is ongoing. Plaintiffs reserve the right to amend their response as they receive additional information during discovery and in accordance with the procedural schedule in this case.

INTERROGATORY NO. 8:

Fully describe all current and past systems, methods, and/or computer readable media that you believe are or were covered by or practice(d) one or more claims of each Asserted Patent, including without limitation the make and model of any such respective systems, methods, and/or computer readable media, the date of the earliest sale or offer to sell, public disclosure and public use of any such system, method and/or computer readable medium, the persons most knowledgeable about any such

1 *systems, methods, and/or computer readable media, and all documents relating to any*
2 *such systems, methods, and/or computer readable media.*

3 **RESPONSE TO INTERROGATORY NO. 8:**

4 Plaintiffs incorporate by reference each of their General Objections and
5 Reservations. Plaintiffs further object to this Interrogatory on the following grounds:

- 6 • It is vague, ambiguous, overly broad, and unduly burdensome, particularly in
7 its use of the phrase(s): “[f]ully describe,” “all current and past systems,
8 methods, and/or computer readable media,” and “all documents relating to any
9 such systems, methods, and/or computer readable media.”
- 10 • To the extent it seeks information protected by the attorney-client privilege, the
11 work product doctrine, common-interest privilege, or any other applicable
12 privilege or immunity.
- 13 • It is not limited to a reasonable and relevant time period.
- 14 • It is overly broad, unduly burdensome, and seeking disclosure of information
15 not relevant to any claim or defense of any party, and the burden outweighs its
16 likely benefit.
- 17 • It requests information about “all current and past systems, methods, and/or
18 computer readable media that you believe are or were covered by or
19 practice(d) one or more claims of each Asserted Patent,” but is unbounded in
20 terms of time, or of relevance to the claims and defenses in this matter, and is
21 also therefore overly broad and unduly burdensome and not proportional to
22 the needs of the case.
- 23 • It is not relevant to any claim or defense of this action to the extent the
24 Plaintiffs do not and/or will not rely on embodying products; and to that
25 extent is not proportional to the needs of the case.

26 Subject to and without waiving Plaintiffs’ specific objections to this
27 Interrogatory, General Objections, and Reservations, Plaintiffs respond as follows:

28 Upon information and belief, numerous Accused Products infringe the Asserted
Patents at least by being used, sold, and/or imported in and into the United States since
the filing of the Asserted Patents. Plaintiffs are not aware of the earliest sale, offer to
sell, public disclosure, or public use of the Accused Products. Plaintiffs are not
presently aware of any other commercially available current or past systems, methods,

1 or computer readable media that practice or have practiced one or more claims of the
2 Asserted Patents.

3 INTERROGATORY NO. 9:

4 *Describe with particularity all facts that you contend support any allegation by*
5 *Plaintiffs that Defendants' alleged infringement has been willful or deliberate or that*
6 *this is an exceptional case entitling Plaintiffs to recover enhanced damages,*
7 *attorneys' fees, and/or litigation costs, identifying all supporting documents and other*
8 *evidence and all persons knowledgeable about such facts, documents, or other*
9 *evidence.*

10 RESPONSE TO INTERROGATORY NO. 9:

11 Plaintiffs incorporate by reference each of their General Objections and
12 Reservations. Plaintiffs further object to this Interrogatory on the following grounds:

- 13 • It is vague, ambiguous, overly broad, and unduly burdensome, particularly in
14 its use of the phrase(s): "all facts that you content support any allegation," "all
15 supporting documents and other evidence," and "all persons knowledgeable
16 about such facts, documents, or other evidence."
- 17 • To the extent it seeks information protected by the attorney-client privilege, the
18 work product doctrine, common-interest privilege, or any other applicable
19 privilege or immunity.
- 20 • It seeks information that is already in Defendants' possession, a matter of public
21 record, or equally available to Defendants.
- 22 • To the extent it calls for information not within Plaintiffs' possession, custody,
23 or control.

24 Subject to and without waiving Plaintiffs' specific objections to this
25 Interrogatory, General Objections, and Reservations, Plaintiffs respond as follows:

26 Upon information and belief, Defendants design, manufacture, use, tests,
27 market, take part in importation, sell, and offer to sell in, into, and for the United States
28 digital cameras, components thereof, and related software that have infringed, and
continue to infringe, at least one claim of each of the Asserted Patents, either literally
or under the doctrine of equivalents, and under 35 U.S.C. §§ 271(a), (b), (c).
Defendants had actual notice of the Asserted Patents at least upon the filing or service
of the original complaint in this case and have continued to make, use, offer to sell,

1 Dated: October 27, 2017

FISH & RICHARDSON P.C.

2 By: /s/ Christopher S. Marchese

3 Christopher S. Marchese

4 Christopher S. Marchese (SBN 170239)

5 marchese@fr.com

6 FISH & RICHARDSON P.C.

7 633 West Fifth Street, 26th Floor

8 Los Angeles, CA 90071

9 Tel: (213) 533-4240

10 Fax: (858) 678-5099

11 Frank Scherkenbach (SBN 142549)

12 scherkenbach@fr.com

13 Kurt L. Glitzenstein (Admitted Pro Hac Vice)

14 glitzenstein@fr.com

15 FISH & RICHARDSON P.C.

16 One Marina Park Drive

17 Boston, MA 02210-1878

18 Tel: (617) 542-5070

19 Fax: (617) 542-8906

20 Olga I. May (SBN 232012)

21 omay@fr.com

22 FISH & RICHARDSON P.C.

23 12390 El Camino Real

24 San Diego, CA 92130

25 Tel: (858) 678-4745

26 Fax: (858) 678-5099